CRMMO No.63 of 2006.

7.8.2006 **Present:** **Mr. Manoj Thakur, Advocate, vice Mr. B.N. Misra, Advocate, for the petitioner.**

Notice was ordered to be issued to the respondent, but he is absent.

The learned trial Court vide impugned order dated 22nd June, 2006 has rejected the petitioner's prayer for referring to the hand-writing expert the signatures on the document marked "A", which is purported to be a money receipt purportedly issued by the respondent purportedly receiving Rs.1 lac from the petitioner. This document having been confronted by the petitioner to respondent in his cross-examination, the respondent denied the signatures upon this document. He also denied the execution of the document.

Whether the petitioner's application was under a correct provision of law or not, the fact remains that under Section 73 of the Indian Evidence Act the Court has the power and jurisdiction to refer any signature to the hand-writing expert. Under this Section the Court has also the power to direct the respondent to give his specimen signatures for comparison purpose.

For the foregoing reasons, the petition is allowed. The impugned order is set aside. The petitioner's prayer for reference to hand-writing expert is allowed. The learned Court below shall take consequential action in the light of the aforesaid observations.

Cr.M.P. No.265 of 2006.

This application is disposed of, in view of the disposal of the main petition and the interim order dated 30th June, 2006 shall stand vacated.

August 7, 2006.
(rc)

((V.K. Gupta),
Chief Justice.